

Message Text

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PAGE 01 OTTAWA 09262 01 OF 03 212312Z
ACTION OES-07

INFO OCT-01 ARA-10 EUR-12 EA-10 ISO-00 FEA-01 ACDA-12
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DLOS-09 DODE-00 DOTE-00 EB-08 EPA-01
ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01
PM-05 PRS-01 SP-02 SS-15 USIA-06 /150 W
-----079137 212351Z /75

P 212255Z OCT 77

FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC PRIORITY 5136
INFO AMEMBASSY BERLIN
AMEMBASSY BONN
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AMEMBASSY BUCHAREST
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E.O. 11652: N/A
TAGS: EFIS, ICNAF, XN
SUBJECT: PROGRESS REPORT OF U.S.DEL TO DIPLOMATIC CONFERENCE
ON CONVENTION FOR MULTILATERAL COOPERATION IN FISHERIES
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PAGE 02 OTTAWA 09262 01 OF 03 212312Z

OF NORTHWEST ATLANTIC OCEAN, OCTOBER 11-21, 1977 OTTAWA

REF: OTTAWA 9120

1. SUMMARY: ALTHOUGH CONVENTION TEXT RESULTING FROM
SECOND WEEK OF CONFERENCE SURPASSES EXPECTATIONS IN MEETING
U.S. OBJECTIVES CONFERENCE HAS FOUNDERED ON PRINCIPLE

OF QUOTE SPECIAL INTEREST UNQUOTE OF COASTAL STATE BEYOND 200 MILES. CANADIAN DELEGATION REMAINS INTRANSIGENT IN ITS INSISTENCE THAT PRINCIPLE BE RECOGNIZED, THEREBY GIVING CANADA SPECIAL INTEREST IN ALLOCATION OF SPECIES BEYOND ITS 200 MILE FISHERY ZONE, (E.G., GRAND BANKS AND FLEMISH CAP). ADDITIONAL MAJOR POINT OF CONTENTION HAS ARISEN WITH RESPECT TO RULES OF PROCEDURE ADOPTED AT OPENING SESSION OF CONFERENCE. CANADA MAY DISREGARD DEFINITION OF QUOTE CONSENSUS UNQUOTE DEFINED BY CHAIRMAN AS MEANING NO DECISIONS OF CONFERENCE SHALL BE TAKEN IN THE EVENT A SINGLE OBJECTION IS PRESENTED. SPAIN, SUPPORTED BY EEC AND U.S. DEL HOLD VIEW THAT CANADA CANNOT ANNEX UNBRACKETED TEXT OF CONVENTION TO FINAL ACT OVER U.S. OBJECTION. END SUMMARY.

2. FINANCIAL ARRANGEMENTS BASED ON FORMULA PROPOSED BY U.S. DEL IN REFTEL WAS ACCEPTED IN PLENARY. WORKING GROUP ON FINANCIAL ARRANGEMENTS DEVELOPED CONSENSUS PROPOSAL WHICH ESTABLISHES 1979 BUDGET OF \$385,000 ON BASIS OF (A) 10 PERCENT OF BUDGET DIVIDED AMONG COASTAL STATES BASED ON CATCH OF U.S. AGREED UPON LIST OF SPECIES, (B) 30 PERCENT OF BUDGET DIVIDED EQUALLY AMONG ALL CONTRACTING PARTIES, AND (C) 60 PERCENT OF BUDGET DIVIDED AMONG CONTRACTING PARTIES PROPORTIONATE TO THEIR CATCHES OF SPECIFIED SPECIES IN CONVENTION AREA IN THE YEAR TWO YEARS PRIOR TO THE BUDGET YEAR. NET RESULT IS U.S. LIMITED OFFICIAL USE

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PAGE 03 OTTAWA 09262 01 OF 03 212312Z

SHARE OF APPROXIMATELY DOLS 30,000 COMPARED TO JUNE WORKING GROUP ESTIMATE OF DOLS 65,000 OF A TOTAL BUDGET OF DOLS 312,000.

3. IN WORKING GROUP ON ANNEX U.S. DEL SUCCEEDED IN BASIC OBJECTIVE TO REDRAFT ARTICLE 17 TO DIVIDE CONVENTION AREA INTO SCIENTIFIC AND STATISTICAL AREAS, THE BOUNDARIES OF WHICH ARE NOW DEFINED IN ANNEX II OF CONVENTION. PROVISION IS MADE FOR GENERAL COUNCIL TO DIVIDE REGULATORY AREA INTO REGULATORY DIVISIONS AND SUBDIVISIONS IF DEEMED NECESSARY FOR MANAGEMENT PURPOSES. U.S. OBJECTIVES SUBSEQUENTLY MET IN PLENARY. IN ADDITION, PLENARY ADOPTED U.S. PROPOSAL FOR FOLLOWING CONFERENCE RESOLUTION: QUOTE THE CONFERENCE REQUESTS THE COASTAL STATES TO PREPARE AS SOON AS PRACTICABLE ON AGREED ILLUSTRATIVE CHART OF THE CONVENTION AREA INDICATING THE SEAWARD BOUNDARY OF THE AREAS WITHIN WHICH THEY EXERCISE JURISDICTION OVER FISHERIES. UNQUOTE.

4. ARTICLE I, PARA 3 DEFINES QUOTE COASTAL STATE UNQUOTE AS A CONTRACTING PARTY EXERCISING FISHERIES JURISDICTION IN WATERS FORMING PART OF THE CONVENTION AREA FOR

PURPOSES OF THIS CONVENTION. THUS, THE EEC, FOR PURPOSES OF THIS CONVENTION, WILL BE CONSIDERED AS A QUOTE COASTAL STATE UNQUOTE ACTING ON BEHALF OF ITS MEMBER COUNTRIES.

5. THE CONVENTION APPLIES TO ALL FISHERY RESOURCES DF THE CONVENTION AREA WITH THE FOLLOWING EXCEPTIONS: SALMON, TUNAS AND MARLINS, CETACEAN STOCKS MANAGED BY THE IWC (OR ANY SUCCESSOR ORGANIZATION), AND SEDENTARY SPECIES OF THE CONTINENTAL SHELF. THESE SPECIES ARE THUS REMOVED FROM CONSIDERATION BY THE SCIENTIFIC COUNCIL AS WELL AS THE FISHERIES COMMISSION.

6. THE MAJOR OBSTACLE TO U.S. ACCESSION TO NEW CONVENTION

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PAGE 01 OTTAWA 09262 02 OF 03 212321Z
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P 212255Z OCT 77

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LIMITED OFFICIAL USE SECTION 02 OF 03 OTTAWA 09262

IS CANADIAN INSISTENCE THAT IT HAS A QUOTE SPECIAL INTER-
EST UNQUOTE IN RELATION TO NON-COASTAL STATES IN THE
ALLOCATION OF STOCKS IN AREAS BEYOND ITS 200-MILE LIMIT
OF FISHERY JURISDICTION. THROUGHOUT TWO PREPARATORY
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PAGE 02 OTTAWA 09262 02 OF 03 212321Z

MEETINGS AND AT THIS CONFERENCE CANADIAN POSITION HAS
REMAINED INTRANSIGENT. GOC PROVIDED THIRD REVISED DRAFT
OF CONVENTION ON OCTOBER 17 WHICH INCLUDED FOLLOWING
TEXT FOR ARTICLE IX, PARA 6: QUOTE PROPOSALS ADOPTED BY
THE COMMISSION FOR THE ALLOCATION OF CATCHES IN THE
REGULATORY AREA SHALL TAKE INTO ACCOUNT THE INTERESTS
OF COMMISSION MEMBERS WHOSE VESSELS HAVE TRADITIONALLY
FISHED WITHIN THAT AREA AND, HAVING REGARD TO THE
UNIQUE GEOGRAPHICAL CHARACTERISTICS OF THE NORTHWEST
ATLANTIC AREA, THE SPECIAL INTEREST OF THE COASTAL STATE
EXERCISING FISHERIES JURISDICTION IN THE WATERS IN
CLOSEST PROXIMITY TO THE PORTION OF THE REGULATORY AREA
TO WHICH THE PROPOSAL APPLIES. UNQUOTE. GOC CONCERN
IS TO PROTECT ITS IMPORTANT FISHERY INTERESTS ON GRAND
BANKS AND FLEMISH CAP WHICH LIE BEYOND GOC EXCLUSIVE
FISHERY ZONE. IN PLENARY, GOC STRATEGY WAS TO DEFER
SUBSTANTATIVE CONSIDERATION OF THIS PARA UNTIL LATE
IN CONFERENCE AFTER RESOLUTION OF OTHER OUTSTANDING ISSUES.

7. DURING OCTOBER 19 PLENARY FOLLOWING RESOLUTION OF
U.S. OBJECTIVES IN WORKING GROUPS, U.S. DEL VOICED
STRONG OBJECTION IN PRINCIPLE TO GOC LANGUAGE IN
ARTICLE IX, PARA 6. THIS TRIGGERED BROAD OPPOSITION
DURING PLENARY TO GOC TEXT ON PART OF OTHER DELEGATIONS,
I.E., EEC, SPAIN, PORTUGAL, JAPAN, NORWAY, AND DENMARK
(ON BEHALF OF FAROE ISLANDS). AT THIS JUNCTURE, HEAD
OF GOC DEL EMPHASIZED IMPORTANCE TO CANADA OF RETAINING
PRINCIPLE OF SPECIAL INTEREST IN CONVENTION. AFTER
SUBSEQUENT DISCUSSION WITH MINISTER LE BLANC GOC DEL
REITERATED ITS POSITION, AT SAME TIME INVITING COUNTER-
PROPOSALS EMBODYING SAME CONCEPT.

8. DURING OCTOBER 20 PLENARY EEC TABLED PROPOSAL
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PAGE 03 OTTAWA 09262 02 OF 03 212321Z

UNACCEPTABLE TO CANADA, AND USSR TABLED TWO PROPOSALS,
ONE OF WHICH WAS ACCEPTABLE TO CANADA. U.S. DEL COULD

NOT ACCEPT COUNTERPROPOSALS THAT RETAINED BASIC CANADIAN PRINCIPLE. SOVIET PROPOSAL, HOWEVER, APPEARED TO RECEIVE BROAD CONFERENCE SUPPORT BY OTHER NON-COASTAL STATES, PARTICULARLY BULGARIA, CUBA AND GDR, ALL OF WHICH HAVE PREVIOUSLY RECOGNIZED CANADIAN SPECIAL INTEREST BEYOND 200 MILES IN INDIVIDUAL BILATERAL AGREEMENTS. SOVIET COUNTERPROPOSAL IS AS FOLLOWS: QUOTE PROPOSALS ADOPTED BY THE COMMISSION FOR THE ALLOCATION OF CATCHES IN THE REGULATORY AREA SHALL TAKE INTO ACCOUNT THE SPECIFIC INTERESTS OF COMMISSION MEMBERS WHOSE VESSELS HAVE TRADITIONALLY FISHED WITHIN THAT AREA AND, HAVING REGARD TO THE UNIQUE GEOGRAPHICAL CHARACTERISTICS OF THE NORTHWEST ATLANTIC AREA, THE SPECIAL INTEREST OF THE STATE EXERCISING FISHERIES JURISDICTION IN THE WATERS IN CLOSEST PROXIMITY TO THE PORTION OF THE REGULATORY AREA TO WHICH THE PROPOSAL APPLIES. UNQUOTE

9. ON OCTOBER 20 GOC CIRCULATED DRAFT OF FINAL ACT OF CONFERENCE INCLUDING STATEMENT THAT CONFERENCE PREPARED A CONVENTION (WHICH IS TO BE ANNEXED TO FINAL ACT) WHICH SHALL BE OPEN FOR SIGNATURE BY PARTICIPANTS IN CONFERENCE IN OTTAWA UNTIL 31 DECEMBER 1978. HOWEVER, RULES OF PROCEDURE ADOPTED IN FIRST CONFERENCE SESSION STATED THAT CONFERENCE DECISIONS MUST BE REACHED BY QUOTE CONSENSUS UNQUOTE. THIS WAS DEFINED BY CONFERENCE CHAIRMAN TO MEAN THAT DECISIONS COULD NOT BE TAKEN IN THE EVENT AN OBJECTION WAS MADE BY ONE OR MORE DELEGATES. ON BASIS THAT SEVERAL HEADS OF DELEGATIONS HAD PRESENTED OBJECTIONS TO ARTICLE IX, PARA 6, SPANISH DEL, SUPPORTED BY EEC AND U.S., CONTENTED THAT CONSENSUS RULE PRECLUDED GOC FROM ATTACHING CONVENTION TEXT INCLUDING ARTICLE IX, PARA 6 TO FINAL ACT WHICH WOULD OPEN CONVENTION FOR SIGNATURE AT THIS CONFERENCE ON PRECEDURAL AND JURIDICAL GROUNDS. GOC WAS GREATLY DISTURBED AT THIS DEVELOPMENT LIMITED OFFICIAL USE

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PAGE 04 OTTAWA 09262 02 OF 03 212321Z

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PAGE 01 OTTAWA 09262 03 OF 03 212324Z
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LIMITED OFFICIAL USE SECTION 03 OF 03 OTTAWA 09262

AND MOVED TO ADJOURN FOR FURTHER CONSIDERATION OF THIS
MATTER AT OCTOBER 21 PLENARY.

10. PLENARY OPENED ON OCTOBER 21 WITH CONTINUED GOC
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PAGE 02 OTTAWA 09262 03 OF 03 212324Z

EFFORT TO ADOPT FINAL ACT TO WHICH CONVENTION INCLUDING
PRINCIPLE OF SPECIAL INTEREST OF CANADA WOULD BE ANNEXED.
GOC PROPOSED AGAIN THAT CONVENTION THEN BE HELD OPEN FOR
SIGNATURE UNTIL 31 DECEMBER 1978. GOC GAMBIT FAILED
AMID BROAD BASED OPPOSITION TO AND FRUSTRATION WITH
CANADIAN INTRANSIGENCE. SEVERAL OTHER GOC PROPOSALS
AIMED AT ACHIEVING CONSENSUS OF CONFERENCE ON FINAL ACT
LANGUAGE ALSO FAILED.

11. CHAIRMAN RULED THAT ONLY REMAINING ALTERNATIVE IS
TO PRODUCE A REPORT OF CONFERENCE ATTACHING COPY OF DRAFT
CONVENTION INCLUDING SQUARE BRACKETS AROUND PARAS LACKING
CONSENSUS. THIS PROCEDURE MET WITH AGREEMENT AND CON-

REFERENCE REPORT AND DRAFT CONVENTION TEXT NOW BEING
FINALIZED.

12. DEPARTMENT WILL POUCH COPIES OF REPORT AND DRAFT
TEXT TO INFO EMBASSIES ASAP UPON RETURN TO WASHINGTON.
ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, PROGRESS REPORTS, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
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Executive Order: N/A
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Expiration:
Film Number: D770388-0664
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
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Office: ACTION OES
Original Classification: LIMITED OFFICIAL USE
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Original Previous Classification: n/a
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